

REMARKS

The Applicant has substantially amended the claims of this application. Basically, newly added claim 11 defines generally the style of auto shade as shown in FIG. 3 of this application, and as described in the specification. Basically, that shade is formed of two halves, when the zipper is opened, the halves may each be collapsed at their midpoint, fully 180° degrees, to bring the entire shade into a closure, in a manner as shown in FIG. 4. And, when the zipper is in the opened state, and each half of the shade is unfolded, 180°degrees, into the condition as shown in FIG. 3, the zipper can be closed, to hold the shade in its expanded position, where each half remains in adjacency, unfolded, along the zipper 18, into a fully opened and expanded automobile shade.

The second modification is generally as shown in FIG. 7. In this condition, it is the single shade, it has the two edges 36 and 38, with the first and second support members 28 and 29, provided along these edges, and with the first and second magnets 30 and 32, provided for holding the support members together, when the shade is fully pivoted 360° degrees into an opened condition, as noted in FIG. 7.

Initially, the examiner stated that claims 1, 2 and 4 were rejected by anticipation over Pfeiffer. But, claim 1 has now been amended, into claim 11, defines how the portion of the shade has a pair of edges, as long the vicinity of the closure apparatus 18, such that when the shade is fully opened 360° degrees, the closure member 18, being a zipper therein, can be closed, for holding the shade in its fully expanded and opened condition. While Pfeiffer may show a zipper between panel sections 12 and 12a, which zipper can be closed, to hold the panels in adjacency, there is nothing in Pfeiffer that describes how a single panel member can be opened to 360° degrees, and then held by a zipper closure apparatus in that opened and usable condition, as can be seen in FIG. 3 of the current application. Hence, it is submitted that Pfeiffer just does not anticipate the claimed subject matter of the embodiment as shown in FIG. 3, as

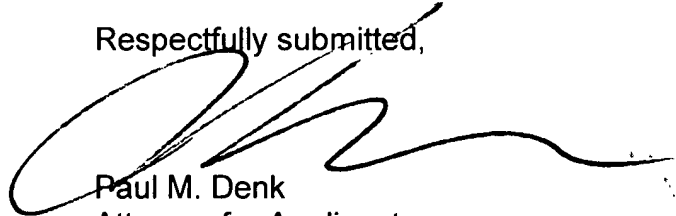
defined in claim 11 of this application. Nor does Pfeiffer, in view of the amendments done to claim 11, anticipate claims 2 or 4, for the same reasons.

The examiner also rejected claims 3, 5-10, as unpatentable over Platsis, in view of Eldridge. Claim 5 has been rewritten as claim 12. Platsis shows a shade that is actually fabricated of two parts, 22 and 23, each of which unfolds 90° degrees, to form the type of shade as shown in FIG. 1. Applicant's invention, on the other hand, has only a single material shade, that can shift from its closed position, generally in the manner as shown in FIG. 6, into a fully expanded 360° degree pivotal opening, and held by its support members in its opened configuration, as generally shown in FIG. 7. Platsis, in the first instance, does not show that structure for a shade that can operate in that manner. In fact, Platsis can only open 90° degrees, for each of the pleated shades 22 and 23, as noted, and then are held together by means of the Velcro 33, along its left and right arm 20 and 21. Platsis cannot be opened fully in the manner as shown in FIG. 7. And, while the examiner cites Eldridge, as providing means for furnishing a full shade, Eldridge does not provide any suggestion that Platsis can be opened 360° degrees, and held in that opened position, for use as a shade in the manner as shown in FIG. 7. Hence, Eldridge really does not suggest in any manner that Platsis can be fully opened, in a manner of Applicant's claimed invention, and without showing as much, or suggesting it, it just does not meet the conditions for obviousness. For example, see the case on *In re Geiger*, 815 Fed. 2nd 686 (Fed. Cert. 1987). Hence, it is believed that claim 12 easily distinguishes over what is shown in Platsis, even in view of Eldridge, and that patentable subject matter is provided. The same could be said with respect to claims 6-10, which depend directly upon newly added claim 12.

The fact that Eldridge may show the use of magnets, as fasteners, still does not make claim 3 as rendered obvious, since claim 3 depends from amended claim 11, which defines a different type of shade structure than can then be found in either Platsis, or Eldridge, whether viewed individually, or in combination.

The examiner's further review of the claims of this application, as amended, is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Denk', is written over the typed name.

Paul M. Denk
Attorney for Applicant
Pat. Off. Reg. No. 22,598
763 South New Ballas Road, Ste. 170
St. Louis, Missouri 63141
(314) 872-8136

PMD/sm